

LAW OFFICES OF ROBERT P. SPRETNAK  
Robert P. Spretnak, Esq. (Bar No. 5135)  
8275 S. Eastern Avenue, Suite 200  
Las Vegas, Nevada 89123  
Telephone: (702) 454-4900  
Fax: (702) 938-1055  
Email: bob@spretnak.com  
Attorney for Plaintiff

UNIVERSITY OF NEVADA, LAS VEGAS  
Elda M. Sidhu, Esq. (Bar No. 7799)  
Lynda P. King, Esq. (Bar No. 7047)  
4505 S. Maryland Parkway, Box 451085  
Las Vegas, Nevada 89154-1085  
Telephone: (702) 895-5185  
Fax: (702) 895-5299  
Email: elda.sidhu@unlv.edu; lynda.king@unlv.edu  
Attorneys for Defendants

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

HONGHUI DENG,

Plaintiff,

vs.

STATE OF NEVADA ex rel. BOARD OF  
REGENTS OF THE NEVADA SYSTEM  
OF HIGHER EDUCATION, on behalf of the  
UNIVERSITY OF NEVADA, LAS VEGAS;  
and KEAH-CHOON TAN, an individual,

Defendants.

Case No.: 2:17-cv-03019-APG-VCF

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY**

**(Second Request)**

Plaintiff HONGHUI DENG and Defendants STATE OF NEVADA ex rel. BOARD OF REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the UNIVERSITY OF NEVADA, LAS VEGAS and KEAH-CHOON TAN, by and through their counsel of record, hereby STIPULATE AND AGREE that the current discovery cutoff date of **September 11, 2018**, be continued for a period of ninety (90) days up to and including **December 10, 2018**. This is the second extension to the discovery period that has been requested in this matter. Under the terms of the original Stipulated Discovery Plan and Scheduling Order (ECF No. 13) in effect for this matter, the discovery cut-off was set for June 13, 2018. This then was extended to September 11, 2018, in the Stipulation and Order to Extend Discovery (First Request) (ECF No. 18).

1     **1.     DISCOVERY COMPLETED TO DATE:**

2             Plaintiff HONGHUI DENG and Defendants STATE OF NEVADA ex rel. BOARD OF  
3     REGENTS OF THE NEVADA SYSTEM OF HIGHER EDUCATION, on behalf of the  
4     UNIVERSITY OF NEVADA, LAS VEGAS and KEAH-CHOON TAN all made their initial  
5     disclosures required under Fed. R. Civ. P. 26(a)(1)(A) within the time period set forth in the  
6     Stipulated Discovery Plan and Scheduling Order (ECF No. 13). Plaintiff served his First  
7     Supplement to Plaintiff's Initial Disclosures on February 28, 2018, and his Second Supplement to  
8     Plaintiff's Initial Disclosures on April 17, 2018. Defendant served its First Supplement to Initial  
9     Disclosures on July 27, 2018.

10            Plaintiff propounded the following written discovery:

11            1.     Plaintiff's First Set of Requests for Production of Documents to Defendant State Of  
12     Nevada ex rel. Board Of Regents of the Nevada System of Higher Education, on behalf of The  
13     University of Nevada, Las Vegas, served on March 29, 2018;

14            2.     Plaintiff's First Set of Interrogatories to Defendant State Of Nevada ex rel. Board Of  
15     Regents of the Nevada System of Higher Education, on behalf of The University of Nevada, Las  
16     Vegas, served on March 29, 2018, to which Defendant UNLV has responded;

17            3.     Plaintiff's Second Set of Requests for Production of Documents (Request Nos. 37-  
18     46), served on April 2, 2018; and

19            4.     Plaintiff's Third Set of Requests for Production of Documents (Request Nos. 47-54),  
20     which were served on April 15, 2018.

21            Defendants have asked for additional time to respond due to the extensive nature of the  
22     requests, including a review of a substantial number of emails.

23            Defendants propounded the following written discovery:

24            1.     "Defendant Keah-Choon Tan's First Set of Interrogatories to Plaintiff," which were  
25     served on May 9, 2018;

26            2.     "Defendant Keah-Choon Tan's First Set of Requests for Production to Plaintiff,"  
27     which were served on May 9, 2018;

28            3.     "Defendant UNLV's First Set of Interrogatories to Plaintiff," which were served on

May 11, 2018; and

4. “Defendant UNLV’s First Set of Requests for Production to Plaintiff,” which were served on May 11, 2018.

Plaintiff asked for additional time due to the fact, among other reasons, Plaintiff was out of the country, in the People’s Republic of China, on a work assignment, for much of the past three months. He recently returned to the United States.

Additionally, Plaintiff served document subpoenae on the following third-party witnesses who were believed to have documents relevant to this case:

1. Dr. Ken Peffers. Dr. Peffers responded on February 28, 2018, and the documents that he produced were, in turn, produced to Defendants as part of Plaintiff’s First Supplement to Plaintiff’s Initial Disclosures.

2. Dr. Bill Kuechler. Dr. Kuechler responded by letter dated April 30, 2018, that he had no documents responsive to the subpoena in his possession, custody or control.

## **2. DISCOVERY YET TO BE COMPLETED:**

Once the documents are produced in this matter, Plaintiff intends to take the following depositions:

1. Len Jessup;
2. Brent Hathaway;
3. Defendant Keah-Choon Tan;
4. Nancy Rapaport;
5. G. Stoney Alder; and
6. William Kuechler.

Deponents may be added to, or omitted from, this list, based on the review of the document production. Defendant intends to take the following depositions:

1. Plaintiff Honghui Deng;
2. Ken Peffers; and
3. Marcus Rothenberger.

Defendant may schedule other depositions depending on the results of those depositions

1 and/or based on the review of document production.

2 **3. REASONS WHY REMAINING DISCOVERY HAS NOT YET BEEN COMPLETED:**

3 The parties have been working diligently to complete discovery and, thus far, have been able  
4 to resolve any disputes over the scope of discovery and have been cooperative regarding discovery  
5 extensions. However, despite this diligence, the time allotted for discovery, including the 90-day  
6 extension previously given, proved to be insufficient.

7 First, Plaintiff has made extensive document requests that have required a substantial  
8 investment in time by Defendant UNLV to respond, as many of the requests pertain to specific email  
9 communications and those requests have taken time to respond. Second, Plaintiff Honghui Deng  
10 was out of the country, on a teaching assignment, from May 21, 2018, through early August.  
11 Counsel for Defendants was on a leave of absence pursuant to 29 U.S.C. § 2612 for a substantial  
12 portion of the 90-day extension period. Finally, there is a possibility that certain documents will  
13 require certified translation from Chinese (Mandarin) to English.

14 **4. REVISED DISCOVERY PLAN:**

15 1. Discovery Cut-Off Date: **December 10, 2018**.

16 2. Dispositive Motions: The date for filing dispositive motions shall be not later than  
17 **January 9, 2019**, 30 days after the discovery cut-off date. In the event that the discovery period is  
18 extended from the discovery cut-off date set forth in this Stipulation and Order to Extend Discovery  
19 (Second Request), the date for filing dispositive motions shall be extended for the same duration,  
20 to be not later than 30 days from the subsequent discovery cut-off date.

21 3. Pretrial Order: The date for filing the joint pretrial order shall be not later than  
22 **February 8, 2019**, 30 days after the date set for filing dispositive motions. In the event that  
23 dispositive motions are filed, the date for filing the joint pretrial order shall be suspended until 30  
24 days after decision on the dispositive motions or until further order of the court.

25 4. Additional Extensions of the Discovery Period: The last day for the parties to file  
26 their Motion and/or Stipulation to Extend Discovery shall be **November 19, 2018**, twenty (21) days  
27 prior to the revised discovery cut-off.

28 5. Any discovery deadline not extended in accordance with the Revised Discovery Plan

1 set forth above shall remain controlled by the Stipulated Discovery Plan and Scheduling Order (ECF  
2 No. 12), as approved by the Court on July 18, 2017.

3 No trial date has yet been ordered.

4  
5 DATED: August 14, 2018.

DATED: August 14, 2018.

6 LAW OFFICES OF ROBERT P. SPRETNAK

UNIVERSITY OF NEVADA, LAS VEGAS

7 By: /s/ Robert P. Spretnak  
Robert P. Spretnak, Esq.

By: /s/ Lynda P. King  
Elda M. Sidhu, Esq.  
Lynda P. King, Esq.

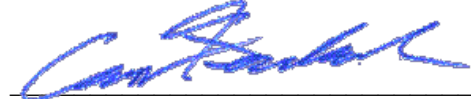
8 Attorney for Plaintiff

Attorneys for Defendants

9 8275 S. Eastern Avenue, Suite 200  
10 Las Vegas, Nevada 89123

4505 S. Maryland Parkway, Box 451085  
Las Vegas, Nevada 89154-1085

11  
12  
13 IT IS SO ORDERED.

14 

15 UNITED STATES MAGISTRATE JUDGE

16  
17 August 15, 2018  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28